

REMARKS

The claims stand variously rejected under 35 U.S.C. 102 and 35 U.S.C. 103. These rejections are respectfully traversed.

Claims 1, 3, 5, 7, 8, 10-12, 15, 34-40 and 42-44 stand rejected under 35 U.S.C. 102(e) as being anticipated by Sallee, et al. The claims have been amended to further define the invention and distinguish the same over Sallee, et al. Of this group of claims, claims 1 and 34 are independent. As now defined in independent claims 1 and 34 and hence the claims depending therefrom, the article is an integral structure with a generally planar base, and at least one projecting element portion (claims 1 and 34) of a plurality of projecting element portions (claim 34) with the projecting element(s) having portions that are integrally molded along with the generally planar base. Sallee, et al. do not disclose such a structure and therefore, it will not support an anticipation rejection because each and every claimed element is not disclosed by Sallee, et al. Further Sallee, et al. specifically required separate parts. The basis for the use of the word integral may be found at page 3 lines 7-17, and page 5 lines 15-30, page 6 and page 7. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1, 9, 10 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Zuiddam, et al. Claim 1 of this group is the only independent claim. Zuiddam, et al. disclose a structure similar to that disclosed by Sallee, et al. and does not disclose a construction having a generally planar base that is molded with at least one projecting element that has a core and a terminal part that are molded with first and second polymer materials. Zuiddam, et al. like Sallee specifically require separate components that are physically attached together and not molded integrally. Therefore, Zuiddam, et al. will not support the rejection of claim 1 as currently

amended and the claims depending therefrom. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1, 2, 5, 10, 12 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Matsui, et al. Claim 1 is the only independent claim in this group which reference discloses a pile article with an attenuated upper portion and a method for producing the article. Matsui, et al. teach an artificial fur like pile article generally as characterized by the Examiner. However, it does not disclose and it is contrary to their disclosure to have an integrally molded unit of a generally planar base as discussed above in the discussion of the Saltee, et al. and Zuiddam, et al. references. Matsui, et al. is no different in that it requires that the fibers be attached to some base material in order to form a fabric or the like and would not be amendable to integral formation since it is made from a spun fibers which is contrary to forming an integral unit as now defined in the claims. Thus, Matsui, et al. will not support an anticipation rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1, 5, 7, 10 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda, et al. Claim 1 is the only independent claim in this group. The Fukuda, et al. disclosure is similar to the Matsui, et al reference teaching only a fiber that is later attached to a substrate. It too will not support an anticipation rejection of the claims as amended. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 34, 39, 41, 44 and 46 stand rejected under 35 U.S.C. 102(e) as being anticipated by Valyi, et al. Claim 34 is the only independent claim in this group. Claim 34 (and its dependent claims) defines a three dimensional polymeric article comprising a generally planar base portion which is not present in the Valyi, et al. reference. The lack of a generally planar

base alone precludes an anticipation rejection. Additionally, Valyi, et al. do not disclose a plurality of first and second projecting element portions where each of the projecting element portions has a lower part and a terminal part each extending from one side of the generally planar base portion. Claim 34 further specifies that the first plurality and second plurality are formed of different polymer materials and are integrally molded with the generally planar base portion. It appears that the section at column 4, lines 40-61 of Valyi, et al. referenced by the Examiner is directed to using different polymers for different layers and not for the claimed plurality of different projecting elements which would be standing side-by-side as opposed to lying upon one another as in the Valyi, et al. disclosure. Thus, it is submitted that Valyi, et al. will not support an anticipation rejection as contended by the Patent Office. Reconsideration and withdrawal of this rejection are respectfully requested.

The remaining claims that are rejected as being obvious are all dependent claims and as discussed above, depend from allowable claims since the independent claims are distinguished over the references cited against them. For this reason alone, the obviousness rejections fail since all these claims depend directly or indirectly from allowable claims.

Applicants' request for extension of time under 37 CFR 1.136(a) as well as Applicants' petition fee are enclosed herewith and filed simultaneously with this response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Application of: Roy Lee Hood
Serial No.: 10/814,679
Amendment C

Respectfully submitted,

Date: 4/14/06

Robert J. Lewis

Robert J. Lewis
Reg. No. 27,210
Blackwell Sanders Peper Martin LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101
314-345-6000
ATTORNEYS FOR APPLICANT